



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,700	11/20/2000	Hal Minot	0326-138A	8486

9629 7590 10/25/2006
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ALPERT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

3693

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,700

Applicant(s)

MINOT ET AL.

Examiner

James Alpert

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21,35-41 and 43-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21,35-41,43-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following communication is in response to Applicants' amendment filed on 08/04/2006.

Status of Claims

Claims 15-21, 35-41,43 are previously presented. Claims 1-14,22-34,42 are cancelled. Claims 44-51 are new, so therefore, Claims 15-21,35-41,43-51 are currently pending.

Response to Arguments

Applicants' arguments filed 08/04/2006 have been fully considered but they are not persuasive as discussed below. Therefore, Claims 15-21,35-41,43 remain rejected as stated in the previous office action. Additionally, see the new grounds of rejection in response to new Claims 44-51. Applicants' request for allowance is respectfully declined.

Claim Rejections - 35 USC § 102

The text of 35 U.S.C. §102(e), which is not included in this action, can be found in a prior Office action. 35 U.S.C. §102(b) recites that:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17,35-37,43 are rejected under 35 U.S.C. 102(a) as being anticipated by Dykes et al, U.S. Patent #6438526. Claims 44 & 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Larche et al, U.S. Patent #5765144.

Applicant is reminded that claims must be given the broadest reasonable interpretation In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

With regard to Claims 15,35,43 Dykes teaches a method and system comprising:

authenticating financial consultant users, so as to permit access, over the Internet, to selected consultant-exclusive resources; (Figure 4b, top line indicating, in one embodiment, that access to lending site is restricted to brokers and/or correspondents)

The examiner treats the term "consultant" broadly to include brokers who may be trying to select one or more of a number of loan packages for a particular borrower. This would be similar to the way the term "real estate broker" is used to refer to an individual who assists a buyer in finding and purchasing a home. The reference indicates, in one embodiment, that anyone accessing the site will need to be authenticated first as a broker. Further, while limitation may not have been mentioned in the action, the limitation is taught by the reference, which as pointed out by Applicant, is the standard for anticipation under §102. In anticipation of an argument by Applicant, please note that there is no new ground of rejection when the basic thrust of the rejection remains the same such that a fair opportunity to react to the rejection has been given. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. *Id.* at 1303, 190 USPQ at 42. Continuing, Dyke teaches:

selectively providing information concerning a plurality of mortgage and/or credit programs to any Internet-connected user who requests such information;
(Col. 2, lines 36-45)

Applicant argues that the reference does not teach “any user”. It appears that there are multiple embodiments to the system in Dykes, because the reference is clear that the system is available to retail loan customers as well as brokers and correspondents. Please see (Abstract; Col. 2, line 30-35; Col. 2, lines 40-45). Further, Applicants’ support for their claim refers to “any user” as consultants and retail customers, so the Examiner interprets the claim in the same manner. Dykes teaches:

selectively receiving, from any Internet-connected user, an indication of whether said user wishes to explore home financing options or home equity loan options;
(Col. 2, lines 45-49)

Applicants argue again that the passage does not refer to “any user” although the quoted passage recites that the system “receives a user’s applicable loan criteria.” This clearly refers to any possible person that could want information regarding real estate financing. Applicants also argue that the reference does not disclose that the received indication does not refer to home financing or home equity lines of credit. To the contrary, the reference recites that the received indications are used to make adjustments to “points, rate, cap or margin”, which are known real-estate finance terms. The reference is geared toward real estate loans (see Col. 2, lines 26-35), while claiming the invention more broadly.

Before addressing the next limitation, the Examiner would like to concede that there was confusion on his part regarding Figure 2. It does indeed appear that Figures 2-3 are representations of the interfaced used by lenders to enter information regarding

loan products. However, there are other parts of the reference, including the one cited by the Examiner at Figure 7a, that teach the limitation reciting:

selectively receiving, from any Internet-connected user, residence location information;

The Examiner would refer Applicants to (Col. 8, lines 25-46) which describes the process of Figures 4-8. None of the figures actually describes locking in a mortgage. Figures 4a-4c are "broker/user" input of criteria to select a loan. Figure 5 is the results of the criteria search. Figures 6a-6d show "broker/user" adjustments. Figures 7a-7b demonstrates input of more personal information relating to the customer in order to register the loan. Finally, Figures 8a-8b exhibit a possible lock-in of the loan, for the user, upon the user's confirmation that the information is correct. The limitation above refers to "residence location information." This is quite general, and it is unclear whether "residence location" refers to the user's current residence or proposed residence. The examiner has the liberty of interpreting it either way, and Figure 7a, under "borrower's address" certainly reads on the limitation.

The examiner interprets the claim broadly such that the term "holding period" represents the length of the mortgage, ie how long the loan is held for. Thus Dykes teaches:

selectively receiving, from any Internet-connected user, information concerning a property to be financed, said information including at least location, expected holding period, and use of said property (Figures 7a-7b, including property location and property type, ie purpose, and several figures indicated the length of the mortgage, ie, holding period)

Applicants do not address the remaining limitations. The Examiner points out that Dykes teaches:

selectively receiving, from any Internet-connected user, information concerning investments; (Figure 7a, describing monthly income, ie cash, and presumably in a more detailed embodiment, other assets)

selectively presenting, to any Internet-connected user, a plurality of ranked mortgage and/or credit option(s); and, (Figure 5)

selectively presenting, to an Internet-connected financial consultant user, information concerning said financial consultant's clients. (Figures 8a-8b, which are lock forms presented to the broker for review)

With regard to Claims 16,36 Dykes teaches a method and system comprising:

providing to an Internet-connected financial consultant user, information concerning in-process applications of said financial consultant's clients. (Figures 8a-8b, which are lock forms presented to the broker for review, which is in process)

With regard to Claims 17,37 Dykes teaches a method and system comprising:

providing to an Internet-connected financial consultant user, information concerning mortgage(s) and/or line(s)-of-credit of said financial consultant's clients. (Figures 8a-8b, which are lock forms presented to the broker for review)

With regard to Claim 44, Larche teaches the method comprising:

receiving from a potential borrower, via a computer network, an indication of interest in exploring real estate property financing options; (Col. 6, lines 5-11, describing the customer initiating the system, and then accessing the home purchase submodule)

receiving from said potential borrower, via said computer network, information regarding one or more real estate properties to be financed, said information including at least location, expected holding period, and use of each of said one or more real estate properties; (Col. 6, lines 15-21)

receiving from said potential borrower, via said computer network, information describing one or more of said potential borrower's existing financial assets and said potential borrower's expected rate of return on said assets; (Col. 5 lines 38-42, as to assets, and Col. 6, lines 46-47, as to rate of return)

receiving, via said computer network, information describing one or more loan products;
(Col. 8, lines 45-54)

and based on said received information, presenting, via a computer connected to said computer network, one or more loan product recommendations to said potential borrower. (Col. 8, lines 37-43)

With regard to Claim 46, Larche teaches the method comprising:

receiving from said potential borrower, via said computer network, an interest rate projection, and wherein said one or more loan product recommendations are based, at least in part, on said interest rate projection. (Col. 7, lines 37-40, describing accepting information regarding interest rates)

With regard to Claim 47, Larche teaches the method comprising:

receiving information, via said computer network, describing one or more financing goals of said potential borrower, and wherein said one or more loan product recommendations are based, at least in part, on said one or more financing goals.
(Col. 9, lines 8-10, describing recommendations based on customer's preferences, resources, needs)

With regard to Claim 48, Larche teaches the method wherein:

the one or more loan product recommendations comprise a financing strategy recommendation. (Col. 8, lines 37-43, because by it's nature, any recommendation of a financial product is also a financial strategy)

Claim Rejections - 35 USC § 103

The text of 35 U.S.C. §103 which is not included in this action, can be found in a prior Office action. Claims 18-21,38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al, U.S. Patent #6438526. Claims 45 & 49-51 are rejected under 103(a) as being unpatentable over Larche et al, U.S. Patent #5765144.

With regard to Claims 18,38, Dykes teaches the elements of Claim 15, except:
providing information concerning production credits of the financial consultant.

However, this is an obvious modification to the method of Dykes. That is to say, the Examiner takes Official Notice that commissions and/or “production credits” are and old and well-known part of a broker/adviser compensation program. As such, it would have been obvious to one of ordinary skill in the art at the time Applicants’ invention made to modify the teachings of Dykes to include access to “production credit” information. The motivation for such a combination is within the general knowledge of one of ordinary skill in the art and is simply to encourage a broker/consultant to use the system by allowing easy access to commission information.

With regard to Claims 19-21,39-41, Dykes teaches all the elements of Claim 15, as described above, but does not expressly indicate the ability of a retail customer user, or financial consultant user, to save and retrieve submitted information to the loan information system. The Examiner takes Official Notice of the ability of an Internet-connected entity to submit information, then save the data, and still later resume submitting information is old and well-known in the art. As such, it would have been obvious to one of ordinary skill in the art at the time Applicants’ invention made to modify the teachings of Dykes to include partial submission stored for further use. The motivation for such a modification is within the general knowledge of one of ordinary skill in the art and is encourage use of the system by making it more technology friendly and easy to use.

With regard to Claims 49-50, Larche does not expressly teaching “scoring” of recommendations and/or loan products. However, the Examiner takes Official Notice that scoring is very old and very well known in the financial arts, particularly as they

relate to credit transactions. Further, it would have been obvious to one of ordinary skill in the art at the time Applicants' invention was made to combine the teachings of Larche to include scoring the recommended loan products. The motivation for such a combination is within the general knowledge of one of ordinary skill in the art, and is simply to make understanding the effects of different options as easy to understand as possible on users of the system.

With regards to Claim 45 & 51, Larche does not expressly disclose the method wherein:

each of said loan product recommendations is presented along with a corresponding estimated change in net worth, and

presenting projected borrower change in net worth information for each of said one or more loan product recommendations.

However, Larche does teach an interactive system at (Col. 9, lines 10-14), for measuring effects of the various loan product recommendations. Further, the examiner takes Official Notice that net worth is an important variable or characteristic when making investment and/or credit decisions. As such it would have been obvious to one of ordinary skill in the art at the time Applicants' invention made to modify the teaching of Larche to measure the effects of particular loan product recommendations on the net worth of a prospective applicant the motivation for such a modification is found in Larche right at (Col. 2, lines 37-42) which describe maximizing net worth as the ultimate goal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Please note, that a shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:00-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

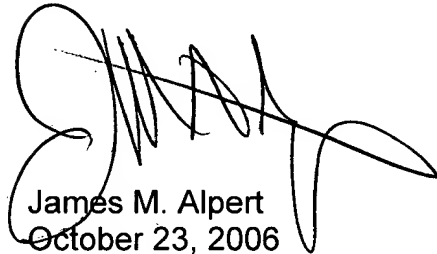
Application/Control Number:
09/717,700
Art Unit: 3693

Page 11

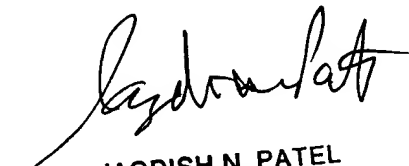
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Respectfully,



James M. Alpert
October 23, 2006



JAGDISH N. PATEL
PRIMARY EXAMINER